

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Richard Bottom v. A. Patterson, in his/her official capacity, M. Krug, in his/her official capacity, Detective Sterlaceh, in his official capacity, City of Buffalo, Buffalo Police Department, Niagara County, and Niagara County Sheriff's Office

Bottom · No. 25-CV-223 (JLS) (MJR) · Decided May 8, 2026

SUMMARY

The United States District Court for the Western District of New York reviewed objections to a magistrate judge’s report and recommendation concerning defendants’ motion to dismiss claims arising under 42 U.S.C. § 1983 and related state law claims. The court adopted the report and recommendation with modifications, granted leave to amend the Second Amendment claim and certain federal claims to identify individual defendants, and otherwise dismissed the complaint. The motion to dismiss was granted in its entirety, and the case was referred back to the magistrate judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	John L. Sinatra, Jr.
JURISDICTION	United States District Court for the Western District of New York
DECIDED	May 8, 2026
DOCKET	25-CV-223 (JLS) (MJR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 and state law. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). After the magistrate judge issued a Report and Recommendation, the parties objected, and the district court conducted de novo review of the challenged portions.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which objections were made under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3); no review is required for portions to which no objections are made.

PRECEDENTIAL VALUE	Unknown
PARTIES	Richard Bottom v. A. Patterson, M. Krug, Detective Sterlaceh, City of Buffalo, Buffalo Police Department, Niagara County, Niagara County Sheriff's Office

TOPICS

[motions to dismiss](#)
[section 1983](#)
[municipal liability](#)
[second amendment](#)
[civil procedure](#)

PRACTICE AREAS

[civil rights](#)
[civil procedure](#)
[constitutional law](#)
[municipal liability](#)

QUESTIONS PRESENTED

1. Whether the district court should accept, reject, or modify the magistrate judge's Report and Recommendation after reviewing the parties' objections.
2. Whether the complaint stated viable claims under 42 U.S.C. § 1983 for unreasonable search and seizure, false arrest, failure to train or supervise, and violation of the Second Amendment.
3. Whether the official-capacity claims and claims against the City and County defendants failed under the Monell municipal-liability analysis.
4. Whether the complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(6), with leave to amend certain claims.

HOLDINGS

1. A district court must conduct de novo review of the portions of a magistrate judge's recommendation to which a party objects, but need not review portions to which no objections are raised.
2. The claims against the individual defendants sued only in their official capacities and the claims against the City and County defendants failed under the Monell analysis and were dismissed.
3. The complaint was dismissed under Rule 12(b)(6), but Bottom was granted leave to amend the Second Amendment claim and to identify individuals with respect to the federal causes of action.

KEY QUOTATIONS

“A district court must conduct a de novo review of those portions of a magistrate judge’s recommendation to which a party objects.”

“For the reasons above and in the R&R, Defendants’ [16] motion to dismiss is GRANTED in its entirety.”

FACTUAL BACKGROUND

Bottom alleged that defendants violated his rights through an unreasonable search and seizure, false arrest, failure to train, supervise, and discipline law-enforcement officers, and violation of his Second Amendment right. He also asserted claims for false imprisonment, trespass, battery, and intentional infliction of emotional

distress. The defendants included individual officers sued only in their official capacities, the City and Buffalo Police Department, and Niagara County and its Sheriff's Office.

PROCEDURAL HISTORY

Bottom commenced the action on March 13, 2025. Defendants moved to dismiss, and Magistrate Judge Michael J. Roemer recommended granting the motion in part and denying it in part. The district court accepted and adopted the Report and Recommendation except that it granted leave to amend the Second Amendment claim and to identify individual defendants, while concluding that the claims against the official-capacity defendants and the municipal defendants failed under the Monell analysis. The court granted the motion to dismiss in its entirety, dismissed the complaint, granted limited leave to amend, and referred the case back to the magistrate judge.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The case was referred back to Magistrate Judge Michael J. Roemer for further proceedings consistent with the referral order. Plaintiff was granted leave to amend the Second Amendment claim and to identify individuals with respect to the federal causes of action, on a schedule to be determined by the magistrate judge.

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149-50 (1985)

OPINION

Bottom
PER CURIAM.
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UNITED STATES DISTRICT COURT KE FILED ON
WESTERN DISTRICT OF NEW YORK ‘Ss
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RICHARD BOTTOM, □□ NOELLE RED
STERN DISTRICUSS
Plaintiff,
V. 25-CV-223 (JLS) (MJR)
A. PATTERSON, in his/her official capacity, M. KRUG, in his/her official capacity, DETECTIVE
STERLACEH, in his official capacity, CITY OF
BUFFALO, BUFFALO POLICE
DEPARTMENT, NIAGARA COUNTY,

and NIAGARA COUNTY SHERIFF'S
OFFICE,
Defendants.

DECISION AND ORDER

Plaintiff Richard Bottom commenced this action on March 13, 2025, alleging claims under 42 U.S.C. § 1983 for: (1) unreasonable search and seizure; (2) false arrest; and (8) failure to train, supervise, and discipline law enforcement officers of the Buffalo Police Department ("City Defendants") and the Niagara County Sheriffs Office ("County Defendants"). See Dkt. 1. Plaintiff also asserts claims against Defendants for violation of his Second Amendment right to bear arms, false imprisonment, trespass, battery, and intentional infliction of emotional distress. *Id.* The case has been referred to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 12. On July 1, 2025, Defendants moved to dismiss Plaintiffs complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. 16. Plaintiff opposed the motion, Dkt. 21, and Defendants replied. Dkt. 17. On February 26, 2026, Judge Roemer issued a Report and Recommendation ("R&R"), recommending that this Court grant Defendants' [16] motion in part and deny it in part. See Dkt. 25. Plaintiff and County Defendants objected to the R&R. Dkt. 26-27. Plaintiff objects to the portions of the R&R recommending dismissal of the municipal liability claims, the Second Amendment claim, the state law claims, and the procedural basis upon which the City Defendants joined the motion to dismiss. Dkt. 26, pp. 1-2.} County Defendants object to the R&R for: (1) declining to dismiss Plaintiff's causes of action for unreasonable search and seizure and false arrest under 42 U.S.C. § 1983; and (2) declining to consider the body camera footage submitted by the County Defendants in support of their motion to dismiss. Dkt. 27, pp.4. Plaintiff and Defendants opposed the objections, Dkt. 29-80, and filed replies in further support of their objections. Dkt. 31-32. A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 1 Page numbers refer to the CM/ECF generated numbering in the header of each page. requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). This Court carefully reviewed the R&R and the relevant record. Based on its de novo review, the Court accepts and adopts Judge Roemer's recommendation in its entirety, except: (1) leave to amend the Second Amendment claim is granted; and (2) the claims against the individual defendants (sued only in their official capacities) and the claims against the County and City Defendants all fail as well under the Monell analysis in the R&R and are, therefore, dismissed. See Dkt. 25 at 2, n. 1, 18, n. 4. Leave to amend to identify individuals is also granted, as contemplated at page 12 and 18, n. 4, with respect to the federal causes of action. For the reasons above and in the R&R, Defendants' [16] motion to dismiss is GRANTED in its

entirety. Accordingly, the Complaint [1] is DISMISSED and Plaintiff is granted leave to amend as set forth above and on a schedule to be determined by the Magistrate Judge. The Court refers the case back to Judge Roemer for further proceedings consistent with the referral order at Dkt. 22. SO ORDERED. Dated: May 8, 2025 ro} Buffalo, New York] (

JOHN L. SINATRA, JR. ?

UNITED STATES DISTRICT JUDGE